

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 4 has been canceled.

New claim 14 has been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-3 and 5-14 are now pending in this application.

Rejection under 35 U.S.C. § 102

Claims 1, 3, and 5-7 are rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Pub. No. 2003/0047303 to Andersson (hereafter “Andersson”). This rejection is respectfully traversed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See generally M.P.E.P. § 2131.

Andersson discloses a plate pack for use in a heat exchanger that includes a plate 101 with a central port 111 serving as an inlet for a first fluid, a central port 112 serving as an outlet for the first fluid, ports 121 and 122 serving as inlet ports for a second fluid, and ports 123 and 124 serving as outlet ports for the second fluid. See Andersson paragraphs 0001 and 0058; Figures 6 and 7.

However, as noted on page 3 of the Office Action, Andersson does not disclose a heat exchanger wherein, among other things, an opening for a second medium that extends essentially over an entire surface of an end region of disks, except for edge regions and regions of the disks in which passages are arranged, as recited in claim 1. Claims 3 and 5-7 depend from claim 1.

Furthermore, Andersson does not disclose a heat exchanger wherein, among other things, heat exchanger medium passages are located in the end region of the disks so that the heat exchanger medium passages are offset in an axial direction of the disks from the opening for the second medium and are located further inward from an end of the disks than the opening for the second medium, as recited in claim 1. As shown in Figures 6 and 7 of Andersson, ports 112 and 111 are not offset in an axial direction of plates 101 from ports 121, 122 and 123, 124, respectively, and are not located further inward from ends of the plate 101 than ports 121-124.

For at least the reasons discussed above, Andersson does not anticipate claims 1, 3, and 5-7 because Andersson does not disclose all of the features of claim 1. Reconsideration and withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 2, 4, and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Andersson. This rejection is respectfully traversed. Claims 2 and 13 depend from claim 1.

As discussed above, Andersson does not disclose or suggest all of the features of claim 1. Applicant respectfully submits that Andersson does not render claim 1 to be unpatentable because Andersson does not disclose or suggest all of the features of claim 1. Furthermore, the Office appears to be taking Official Notice with regard to the features of canceled claim 4, which have been included in amended claim 1. Applicant respectfully submits that these features are not commonly known or disclosed in the prior art relied upon by the PTO. Applicants respectfully request that the Office provide prior art to show these features or withdraw this rejection. See M.P.E.P. § 2144.03.

For at least the reasons discussed above, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 8-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Andersson in view of U.S. Patent No. 5,230,966 to Voss *et al.* (hereafter “Voss”). This rejection is respectfully traversed. Voss fails to remedy the deficiencies of Andersson discussed above in regard to independent claim 1, from which claims 8-12 depend. Reconsideration and withdrawal of this rejection is respectfully requested.

Rejection Under 35 U.S.C. § 101

Claim 13 is rejected under 35 U.S.C. § 101 for recitation of a use without setting forth any steps involved in a process. Applicant respectfully submits that the amendments to the claims render this rejection moot. Reconsideration and withdrawal of this rejection is respectfully requested.

New Claim

New claim 14 has been added. Claim 14 depends from claim 1 and is allowable over the prior art for at least the reasons discussed above and for its respective additional recitations.

CONCLUSION

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By P.D.S.

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